

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jennifer Smith	Team: Squad #14	CCRB Case #: 201804448	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/26/2018 , Friday, 04/27/2018 2:47 AM	Location of Incident: En route to Manhattan Central Booking	Precinct: 14	18 Mo. SOL 10/27/2019	EO SOL 10/27/2019	
Date/Time CV Reported Tue, 05/22/2018 11:25 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 06/05/2018 11:01 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Fidas Peralta	29682	955312	TB ATU

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Nicholas Mckeever	25164	950867	TB ATU

Officer(s)	Allegation	Investigator Recommendation
A.POM Fidas Peralta	Discourtesy: Police Officer Fidas Peralta spoke discourteously to § 87(2)(b)	
B.POM Fidas Peralta	Off. Language: Police Officer Fidas Peralta made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)	

Case Summary

On May 22, 2018, § 87(2)(b) called the IAB Command Center and filed this complaint, which the CCRB received on June 5, 2018.

On April 27, 2018, at approximately 2:47 a.m., Police Officer Fidias Peralta and Police Officer Nicholas McKeever of the Transit Bureau Anti-Terrorism Unit ("TB ATU") were transporting § 87(2)(b) to Manhattan Central Booking in a police van when PO Peralta allegedly spoke discourteously to § 87(2)(b) (**Allegation A: Discourtesy**, § 87(2)(g)) and allegedly used offensive language toward him (**Allegation B: Offensive Language**, § 87(2)(g)).

There is no video evidence in this case.

§ 87(2)(b) was charged with § 87(2)(b) and was released on his own recognizance. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Findings and Recommendations

Allegation A - Discourtesy: Police Officer Fidias Peralta spoke discourteously to § 87(2)(b)

Allegation B – Offensive Language: Police Officer Fidias Peralta made remarks to § 87(2)(b) **based upon the perceived sexual orientation of** § 87(2)(b)

§ 87(2)(b) (01 Board Review) said that while en route to Manhattan Central Booking, PO Peralta asked him about a prior arrest. PO Peralta said, "What were you doing fighting with that girl in the Bronx? You love molesting little girls and you love to beat up women." § 87(2)(b) replied, "I don't molest little girls." PO Peralta asked, "You don't mess with women?" § 87(2)(b) said, "I don't mess with little girls." PO Peralta replied, "Oh, you're a faggot." § 87(2)(b) told PO Peralta, "No, you're a faggot." The conversation ended and § 87(2)(b) had no further interaction with PO Peralta.

PO Peralta (02 Board Review) said he was aware of § 87(2)(b)'s arrest history, but he denied being aware of any arrest involving what § 87(2)(b) alleged. PO Peralta said he had no conversation with § 87(2)(b) during the ride to Manhattan Central Booking because § 87(2)(b) had made the following unprompted statements to PO Peralta prior to entering the police van: "I hate all Spanish people," "That's why I hate Spanish people," "You're nothing but a fucking spic," "You're a fucking faggot." PO Peralta had responded "enough" to each of those statements. He denied ever making the alleged discourteous and offensive statements.

PO McKeever (03 Board Review) acknowledged that he transported § 87(2)(b) to Manhattan Central Booking with PO Peralta based on him having a memo book entry regarding doing so, but said he had no independent recollection of the incident. PO McKeever denied hearing PO Peralta make the alleged discourteous and offensive statements.

§ 87(2)(g)

Civilian and Officer CCRB Histories

§ 87(2)(b)

- _____

Mediation, Civil and Criminal Histories

- Comptroller's Office. It will be added to the casefile upon receipt (05 Board Review).

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 14

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer: _____

Signature	Print Title & Name	Date
-----------	--------------------	------